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INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE  
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RUEHBJ/AMEMBASSY BEIJING PRIORITY 5473  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 3137  
RUEHKA/AMEMBASSY DHAKA PRIORITY 1327  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2311  
RUEHUL/AMEMBASSY SEOUL PRIORITY 4992  
RUEHKO/AMEMBASSY TOKYO PRIORITY 2585  
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 3150  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0968  
RUEHHK/AMCONSUL HONG KONG 3013  
RUEHBD/AMCONSUL PERTH 1188  
RUEAIIA/CIA WASHDC  
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001893

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SUBJECT: ASEAN -- INDONESIAN LEGISLATURE TAKES KEY STEP TO  
RATIFY CHARTER, BUT WITH STRINGS ATTACHED

REF: JAKARTA 1443

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: A key parliamentary committee has ratified the ASEAN Charter after a long period of debate centered on Burma and the regional human rights situation. Legislators--in an unusual step fueled by frustration over Burma--also issued non-binding human rights-related "policy directives" to the government which were directly linked to the ratification document. GOI officials do not expect much progress on these objectives, but legislators have vowed to keep the government's feet to the fire. The parliament as a whole is expected to ratify the Charter soon. END SUMMARY.

KEY COMMITTEE RATIFIES CHARTER

12. (SBU) A key parliamentary committee voted on October 8 to ratify the ASEAN Charter. The House of Representatives' (DPR) Commission I, responsible for foreign and defense affairs, gave the okay after months of sometimes contentious debate. Foreign Minister Wirajuda hailed the move as an important step in ASEAN's transformation toward a rules-based organization. The full DPR must still approve the Charter but this is little more than a formality. The legislature almost invariably endorses the decisions of its committees. The full DPR is expected to take this action soon.

STRINGS ARE ATTACHED

13. (SBU) In an unusual step fueled by exasperation over the Burmese situation, legislators also called on the GOI to pursue specific policies re ASEAN. The legislation endorsing the charter contained non-binding "policy directives" that call on the GOI to:

- Press for the establishment of an ASEAN human rights body as quickly as possible;
- Urge ASEAN to develop mechanisms to punish member states which do not comply with the Charter's provisions, including possible suspension from the organization;
- Work to make key ASEAN decisions through a vote of member states rather than consensus; and,

--Enact protections for Indonesian businesses as ASEAN develops a single market.

14. (C) Many legislators felt that the Charter was too weak on democracy and human rights. During public hearings over the past few months, foreign policy analysts and NGO activists had pointed to what they characterized as the Charter's many problems in this area (reftel). Chief among these was a failure to provide mechanisms to bring about democratic reform in Burma. Commission I member Marzuki Darusman told poloff that several key legislators were dissatisfied with the Charter's lack of mechanisms to monitor and enforce the document's provisions on democracy and human rights.

15. (C) The Yudhoyono administration pressed hard for the Charter's ratification. FM Wirajuda personally lobbied lawmakers to urge them to endorse the document. Leaders of Golkar--the largest party in the DPR and part of Yudhoyono's ruling coalition--pressed party members to vote yes. Critics of the Charter turned to the idea of issuing policy directives when it became clear they could not block ratification, according to Darusman.

#### A BOLD INITIATIVE BUT NON-BINDING

16. (C) The GOI regards the DPR's policy guidance as advisory, according to Ade Padmo Sarwono, Deputy Director for ASEAN Political Cooperation at the Department of Foreign Affairs (DEPLU). Sarwono told poloff that DEPLU would

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"attempt to carry out" the DPR's policy directives. He noted, however, that achieving the DPR's objectives would require the agreement of other ASEAN members and that Indonesia could only appeal for this.

17. (C) Darusman acknowledged that the DPR had no legal mechanism to force specific policies on the GOI. However, he told poloff, Commission I would follow progress on this matter closely. Legislators intend to hold regular hearings to press GOI officials--including the foreign minister--to deliver on the DPR's priorities. The DPR is capable of making life difficult for the GOI on foreign policy issues, as it has demonstrated in previous debates on Burma and the proposed defense cooperation agreement with Singapore. If the DPR makes an issue of Charter implementation, the GOI would ignore the DPR's advice at its peril.

18. (C) The DPR's policy directives call for revolutionary changes in ASEAN. The organization has always made decisions on the basis of consensus. Voting on major ASEAN decisions would overturn this key element of "the ASEAN way." Similarly, ASEAN states have always resisted calls to suspend or otherwise punish a fellow member. Sarwono told poloff that DEPLU did not expect other ASEAN members to support these dramatic changes in the way that the organization functions.

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